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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1811 Entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Repealing and Reenacting Ordinance 964 in its Entirety Setting Forth a Specific Plan for South Hutchins Street between West Kettleman Lane and West Harney Lane"

MEETING DATE: May 7, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1811.

BACKGROUND INFORMATION: Ordinance No. 1811 entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Repealing and Reenacting Ordinance 964 in its Entirety Setting Forth a Specific Plan for South Hutchins Street between West Kettleman Lane and West Harney Lane," was introduced at the regular City Council meeting of April 16, 2008.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. *Id.* All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp
Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1811

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI REPEALING AND REENACTING ORDINANCE 964
IN ITS ENTIRETY SETTING FORTH A SPECIFIC PLAN FOR
SOUTH HUTCHINS STREET BETWEEN WEST KETTLEMAN LANE
AND WEST HARNEY LANE

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Ordinance 964, adopted November 17, 1971, is hereby repealed in its entirety and re-enacted to read as follows:

Section 1. Authority. Pursuant to the provisions of Chapter 3 (commencing at Section 65450) of Title 7 of the Government Code of the State of California and pursuant to that certain General Plan, as amended, for the City of Lodi adopted by City Council Resolution No. 1885 on October 5, 1955, a Specific Plan for South Hutchins Street between West Kettleman Lane and West Harney Lane is hereby adopted.

The Specific Plan adopted hereby includes the regulations prescribed by this Ordinance and includes drawings 71D57, 71D58, and 71D59 on file with the Public Works Department.

Section 2. Purpose. It is hereby declared that this Specific Plan is adopted to provide for and protect the health, safety, convenience, and welfare of the citizens of the City of Lodi.

Section 3. Description. Drawings 71D57, 71D58, and 71D59 display the Plan view of South Hutchins Street between West Kettleman Lane and West Harney Lane; however, the design standards set forth in Drawings 71D57, 71D58, and 71D59 may be modified to the extent required as a result of dilapidation, budget, and new technology within the discretion of the Public Works Director.

Section 4. Regulations. The minimum front yard or street side yard required for buildings or structures by Section 27 of the Lodi Municipal Code (Zoning Ordinance) as amended shall be measured from the future right-of-way line as depicted on Drawings 71D57, 71D58, and 71D59.

Section 5. Homeowners. Homeowners with the Specific Plan may repair or replace their own fences in advance of the City schedule at their own expense to the standard established in Section 3.

Section 6. Violation. Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting or assisting in any use of land, which is in violation of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more five hundred dollars (\$500) or by imprisonment in the County Jail for a term of not more than six (6) months or by both such fine and imprisonment.

Section 7. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

SECTION 8. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 9. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 10. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 11. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 7th day of May, 2008

JOANNE MOUNCE
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1811 was introduced at a regular meeting of the City Council of the City of Lodi held April 16, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held May 7, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1811 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney